

March 26, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L06TY401**
Proposed Ordinance No. **2007-0107**

EDWARD WENDLING
Rezone Application

Location: 17321 – 91st Avenue Southeast, Bothell

Applicant: **Edward Wendling**
210 – 5th Avenue South
Edmonds, Washington 98020

King County: Department of Development and Environmental Services (DDES)
represented by **Mark Mitchell**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7119
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Approve
Department's Final Recommendation:	Approve
Examiner's Decision:	Approve

EXAMINER PROCEEDINGS:

Hearing Opened:	March 15, 2007
Hearing Closed:	March 15, 2007

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES AND TOPICS ADDRESSED:**SUMMARY:**

The proposed reclassification of .70 acres in the urban area, from R-18 (potential R-24) to R-24 is approved.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information:**

Request: Rezone of .70 acres from R-18 (potential R-24) to R-24 (Urban Residential, from 18 units per acres to 24 units per acre)

Location: 17321 – 91st Avenue Northeast, Bothell

Proponent: Edward Wendling
210 – 5th Avenue South
Edmonds, Washington 98020

File Number: L06TY401

Threshold Determination: Determination of Nonsignificance (DNS)

Date of Issuance: February 8, 2007

King County Action: Zone Reclassification

County Contact: Mark Mitchell, PPM III
Current Planning Section, LUSD
Telephone: 296-7119
Email: mark.mitchell@metrokc.gov

Requested Zone: R-24

Existing Zoning: R-18 (Potential R-24)

Community Plan: Northshore

Section/Township/Range: SW 7-26-5

Parcel no.: 072605-9177

2. The facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the March 15, 2007, public hearing are found to be correct and are incorporated herein by this reference.

CONCLUSIONS:

1. The analysis and conclusions set forth in the King County Land Use Services Division's report to the King County Hearing Examiner for the March 15, 2007, public hearing are adopted by the Hearing Examiner and incorporated herein by this reference.

DECISION:

The proposed reclassification of the subject property located at 17321 – 91st Avenue Northeast (Bothell) in unincorporated King County, from R-18 (potential R-24) to R-24 is APPROVED.

ORDERED this 26th day of March, 2007.

James N. O'Connor
King County Hearing Examiner *pro tem*

TRANSMITTED this 26th day of March, 2007, to the parties and interested persons of record:

Chuck Gustafson
P.O. Box 2127
Bothell WA 98041-2127

Edward Wendling
210 - 5th Ave. S.
Edmonds WA 98020

Lisa Dinsmore
DDES/LUSD
MS OAK-DE-0100

Mark Mitchell
DDES/LUSD
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before April 9, 2007***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before April 16, 2007***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MARCH 15, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L06TY401.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Mark Mitchell representing the Department, and the Applicant Edward Wendling,

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report to the Hearing Examiner for March 15, 2007
- Exhibit No. 2 Application for Land Use Permits – Zone Classification, received September 15, 2006
- Exhibit No. 3 Rezone Application – General Information, received September 15, 2006
- Exhibit No. 4 SEPA Checklist, received September 15, 2006
- Exhibit No. 5 Generic site/vicinity plan with land use information (2 pgs.), received September 15, 2006
- Exhibit No. 6 Assessor's map; SW 07-26-05 received September 15, 2006
- Exhibit No. 7 Notice of Complete Application dated October 12, 2006
- Exhibit No. 8 Affidavit of Posting indicating a posting date of October 25, 2006
- Exhibit No. 9 Notice of Application, mailed October 26, 2007
- Exhibit No. 10 Requests for publication of Notice of Application on October 26, 2006 in the Seattle Times and King County Journal
- Exhibit No. 11 Certificate of Applicant Status, received September 15, 2006
- Exhibit No. 12 King County Certificate of Water Availability from Northshore Utility District, received September 15, 2006
- Exhibit No. 13 King County Certificate of Sewer Availability from Northshore Utility District, received September 15, 2006
- Exhibit No. 14 SEPA Determination (DNS) issued February 8, 2007
- Exhibit No. 15 Notice of Decision of SEPA Threshold Determination and Notice of Recommendation and Hearing – DNS issued February 8, 2007
- Exhibit No. 16 DDES Parcel Information Report for parcel no. 0726059177, generated 2/6/2007
- Exhibit No. 17 Geotechnical Assessment of Existing Slopes by Geological & Geotechnical Consulting, dated August 4, 2006